

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE GLAZIERS,	)	
ARCHITECTURAL METAL	)	
AND GLASS WORKERS LOCAL	)	
UNION NO. 27 WELFARE AND	)	
PENSION FUNDS,	)	No. 16 CV 413
	)	
Plaintiffs,	)	Judge
	)	
v.	)	Magistrate Judge
	)	
PERMASTEELISA NORTH AMERICA	)	
CORP., a Delaware corporation,	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiffs, by their attorneys, DONALD D. SCHWARTZ, ANDREW S. PIGOTT, and  
ARNOLD & KADJAN, complain against Defendants, **PERMASTEELISA NORTH  
AMERICA CORP.**, as follows:

1. (a) Jurisdiction of this cause is based on Section 301 of the National Labor  
Relations Act, 29 U.S.C. Section 185 (a) as amended.

(b) Jurisdiction of this cause is based upon Section 502 of the Employee  
Retirement Security Act of 1974, 29 U.S.C. Section 1132, 1145 (“ERISA”), as amended.

2. Venue is founded pursuant to 29 U.S.C. Section 1132 (e)(2) in this District where  
the Funds, as described in Paragraph 3, are administered.

3. (a) The Plaintiffs in this count are the TRUSTEES OF THE GLAZIERS,  
ARCHITECTURAL METAL AND GLASS WORKERS LOCAL UNION NO. 27 FRINGE  
BENEFIT FUNDS (“the Funds”), and have standing to sue pursuant to 29 U.S.C. Section  
1132(d)(1).

(b) The Funds have been established pursuant to collective bargaining agreements previously entered into between the Glaziers Union Fringe Benefit Funds and its affiliated locals (the "Union") and certain employer associations whose employees are covered by the collective bargaining agreement with the Union.

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws and also pursuant to the terms and provisions of the agreements and Declarations of Trust which establish the Funds.

4. Defendant, **PERMASTEELISA NORTH AMERICA CORP.** ("**PERMASTEELISA**"), is an Illinois corporation authorized to do business in Illinois and is an employer engaged in an industry affecting commerce.

5. Since on or before January 1, 2013, **PERMASTEELISA** entered into a Collective Bargaining Agreement with the Union pursuant to which it is required to pay specified wages and to make periodic contributions to the Funds on behalf of certain of its employees.

6. By virtue of certain provisions contained in the collective bargaining agreements, **PERMASTEELISA** is bound by the Trust Agreement establishing the Funds, which also require periodic contributions to the Funds on behalf of certain of **PERMASTEELISA's** employees.

7. Under both the Collective Bargaining Agreement and the Trust Agreements, when given reasonable notice by Plaintiffs, **PERMASTEELISA** must tender its books and records to Plaintiffs' auditor for the purpose of an examination to ensure that **PERMASTEELISA** is meeting its contribution obligations.

8. Plaintiffs, through their auditor and counsel, made repeated attempts to contact **PERMASTEELISA** to arrange for its fringe benefit contributions audit, but **PERMASTEELISA** did not schedule its audit.

9. In light of **PERMASTEELISA**'s non-cooperation, Plaintiffs require a court order to compel the audit sought.

**WHEREFORE**, Plaintiffs pray for relief as follows:

A. **PERMASTEELISA** be ordered to submit to an ERISA fringe benefit contributions audit for the period January 1, 2013 to the present.

B. Judgment be entered in favor of Plaintiffs and against **PERMASTEELISA** for any contribution deficiencies by the audit.

C. Plaintiffs be awarded their costs herein, including reasonable attorneys' fees and costs incurred in the prosecution of this action, together with liquidated damages in the amount of 20%, all as provided in the applicable agreements and ERISA Section 502(g)(2).

D. This Court grant Plaintiffs such other and further relief as it may deem appropriate under the circumstances.

Respectfully submitted,  
**TRUSTEES OF THE GLAZIERS,  
ARCHITECTURAL METAL AND  
GLASS WORKERS LOCAL UNION  
NO. 27 WELFARE AND  
PENSION FUNDS**

By: s/ Andrew S. Pigott  
One of their Attorneys

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